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12 Attorneys for Defendant  
13 GOOGLE INC.

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

17 IN RE: HIGH-TECH EMPLOYEE  
18 ANTITRUST LITIGATION

19 THIS DOCUMENT RELATES TO:  
20 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF LEE H. RUBIN IN  
SUPPORT OF DEFENDANTS' JOINT  
MOTION FOR TEMPORARY STAY OF  
DISCOVERY**

Date: December 8, 2011

Time: 1:30 p.m.

Courtroom: 8

Judge: Hon. Lucy H. Koh

Complaint Filed: May 4, 2011

1 I, Lee H. Rubin, hereby declare as follows:

2 1. I am a partner with the law firm of Mayer Brown LLP, counsel for defendant  
3 Google Inc. in the above-captioned matter. I submit this Declaration in support of the  
4 Defendants' Joint Motion for Temporary Stay of Discovery. I have personal knowledge of the  
5 matters stated herein, and can and will testify thereto if called upon to do so.

6 2. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' First Set of  
7 Requests for Production, served October 3, 2011. Attached hereto as Exhibit B is a true and  
8 correct copy of Plaintiffs' First Set of Interrogatories, also served October 3, 2011.

9 3. On October 3, 2011, the parties met and conferred on case management topics,  
10 including how discovery should proceed in this case. In those October 3 discussions and  
11 thereafter, Defendants indicated their intention to file a motion to dismiss by October 13, and  
12 indicated that it was Defendants' position that discovery should not proceed at all unless/until the  
13 pleadings are resolved and a determination is made that Plaintiffs have stated at least one valid  
14 claim. Defendants also offered to discuss an accelerated schedule for briefing the motion to stay  
15 discovery.

16 4. Defendants have agreed to exchange initial disclosures on October 17 pursuant to  
17 Rule 26. Defendants have also agreed to continue to meet and confer with Plaintiffs regarding  
18 (i) a format for the production of electronic documents and (ii) a protective order and a  
19 stipulation regarding the handling of expert discovery.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
21 October 13, 2011.

22  
23 /s/ Lee H. Rubin  
24 Lee H. Rubin  
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